

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                |   |            |
|--------------------------------|---|------------|
| NOTICE OF BELL SOUTH           | ) |            |
| TELECOMMUNICATIONS, INC. TO    | ) | CASE NO.   |
| DISCONNECT SMART-TEL           | ) | 2004-00022 |
| COMMUNICATIONS FOR NON-PAYMENT | ) |            |

O R D E R

On January 20, 2004, BellSouth Telecommunications, Inc. ("BellSouth") provided written notice to the Commission of its intent to disconnect Smart-Tel Communications ("Smart-Tel") for nonpayment of bills. BellSouth asserts the unpaid amount is \$5,929.12, all of which is for services provided in Kentucky. BellSouth plans to discontinue services to Smart-Tel if payments are not received. Disconnection of Smart-Tel services will affect approximately 51 Kentucky customers.

BellSouth requests authorization to invoke the Emergency Service Continuity Tariff approved by this Commission on May 20, 2003 in Case No. 2002-00310.<sup>1</sup> Invoking this tariff is necessary only if Smart-Tel has not notified its end-users of the service disconnection. If the Emergency Service Continuity Tariff is invoked, BellSouth will continue to provide telephone service to Smart-Tel's customers for a minimum of 14 days after Smart-Tel ceases to operate.

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<sup>1</sup> Case No. 2002-00310, Customer Billing and Notice Requirements for Wireline Telecommunications Carriers Providing Service in Kentucky.

The Commission, having reviewed BellSouth's notice and having been otherwise sufficiently advised, HEREBY ORDERS that:

1. Smart-Tel shall notify the Commission within 7 calendar days of the date of this Order of its intent to pay the delinquent bill to BellSouth by February 2, 2004, or, in the alternative, of its intent to notify its end-users of the proposed service disconnection. Such written comments shall include a copy of Smart-Tel's customer notice and an affidavit indicating when the notice was mailed and the number of Kentucky customers to whom it was mailed.

2. A copy of BellSouth's notice of intent to disconnect Smart-Tel is attached hereto and incorporated herein.

3. If Smart-Tel has not responded as prescribed in Ordering Paragraph 1 within 7 calendar days of the date of this Order, BellSouth shall implement the procedures established in its Emergency Service Continuity Tariff.

4. A copy of this Order shall be sent by certified mail to Smart-Tel.

Done at Frankfort, Kentucky, this 22<sup>nd</sup> day of January, 2004.

By the Commission

ATTEST:

  
Executive Director



BellSouth Telecommunications, Inc.  
601 W. Chestnut Street  
Room 410  
Louisville, KY 40203

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[jcoleman6@imcingular.com](mailto:jcoleman6@imcingular.com)

Joan A. Coleman  
Vice President  
Regulatory & External Affairs

502-582-2167  
Fax 502-582-2140

January 19, 2004

Thomas M. Dorman  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
P. O. Box 615  
Frankfort, Kentucky 40602-0615

Dear Mr. Dorman:

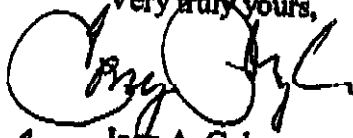
Pursuant to the Kentucky PSC's May 20, 2003 order in KY PSC Case No. 2002-0310, BellSouth is providing advance notice to the Kentucky Public Service Commission (PSC) of BellSouth's intent to disconnect Smart-Tel Communications for non-payment.

BellSouth's records indicate that Smart-Tel Communications is delinquent in payment of its bills to BellSouth in the amount of \$5,929.12. Attempts to collect past due amounts from Smart-Tel Communications have been unsuccessful. BellSouth made numerous written notifications to Smart-Tel Communications informing them of BellSouth's intent to suspend or terminate services consistent with the terms and conditions of the Resale Agreement between Smart-Tel Communications and BellSouth. Attached is BellSouth's last written notice to Smart-Tel Communications. On or about January 26, 2004, BellSouth will begin to discontinue services provided to Smart-Tel Communications if payments are not received by January 23, 2004. Disconnection of Smart-Tel Communications services will impact approximately 51 of its Kentucky customers.

Under terms of their Interconnection Agreement, Smart-Tel Communications is solely responsible for notifying its end users of the proposed service disconnection. BellSouth is copying Smart-Tel Communications, Inc. to remind them of their obligation to notify their end users of this situation regarding pending disconnection of services.

Should the Commission determine the need to invoke BellSouth's Emergency Service Continuity Tariff, BellSouth will take steps to notify the affected end users and inform them that they may continue to receive telecommunications services through The Emergency Services Continuity Plan for a minimum of fourteen (14) days and that the end user must transition to a new service provider.

Should you or the staff have any questions concerning this filing or need additional information, Mike Hayden, of my staff, is familiar with this matter and can be reached on (502) 582-8180.

Very truly yours,  
  
for Joan A. Coleman

cc: Smart-Tel Communications  
Attn: Mr. Tony Ragland

Attachment

Attachment

January 8, 2004

Smart-Tel  
Attention: Mr. Tony Ragland  
2728 Scottsville Road  
Suite 9  
Bowling Green, Kentucky 42104

PLEASE REMIT PAYMENT TO:  
BellSouth Network & Carrier Services  
250 Williams Street  
Suite 5010 NW  
Atlanta, Georgia 30303

Dear Mr. Ragland:

Attempts to collect past due amounts from Smart-Tel have been unsuccessful and to date full payment has not been received. Smart-Tel's account is currently in default in the amount of \$4,312.90 and subject to disconnection. Pursuant to the Resale Agreement between BellSouth Telecommunications, Inc. and Smart-Tel consider this letter written notice that BellSouth will proceed with the discontinuance of existing services in Kentucky on January 15, 2004. Pursuant to the Agreement, it is Smart-Tel's responsibility to notify its end users of this impending disconnection.

In order to continue services, Smart-Tel must pay, in immediately available funds, the present undisputed balance in the sum of \$4,312.90 to BellSouth. Also, payments are expected for any current bills that may become due. If service is interrupted, full non-recurring charges will be applicable to reestablish service.

If you have questions regarding your account, please contact the Billing Operations Manager, Leisa Mangina, at (205) 714-7359.

Sincerely,

Original signed by Gary Patterson